

R E M A R K S

The drawings were objected to because of two perceived errors. Relative to the labeling in FIG. 2, the *specification* is corrected. Relative to FIG. 7, the *drawing* is amended, and the Examiner's approval thereof is respectfully requested.

The specification was objected to because of a typographical error. This error is corrected to overcome the objection.

Claims 11 and 12 were objected to because of an error in claim 11. Claim 11 is corrected to overcome the objection.

Claims 1-10, and 13-18 were rejected under 35 USC 112, second paragraph, as being indefinite. In regard to claim 1, the Examiner asserts that an essential step is not included. This is corrected in amended claim 1, thereby overcoming the 35 USC 112, second paragraph rejection to claims 1-10. In connection with claim 13, the Examiner questions the "immediately preceding cycle" phrase. Claim 13 is amended to remove the phrase that the Examiner found objectionable. As for claim 15, the Examiner asserts that the "acknowledgement circuit" is not understood because, according to the Examiner

It is the receiver that generates acknowledgement signals corresponding to the received segments.

Applicant respectfully traverses. Claim 13 defines an apparatus, and not merely a transmitter; and claim 15 depends on claim 13. Thus, the apparatus of claim 15 includes some (specified) means to transmit frames in a unique and novel manner, and claim 15 specifies that the apparatus includes a circuit for generating acknowledgment signals responsive to received signal segments which, of course, may be used to confirm reception of the signal segments. Respectfully, it is believed that claims 14, 15, or dependent claims 16-18 are in full compliance of 35 USC 112, second paragraph.

Claims 13-18 were rejected under 35 USC 103 as being unpatentable over Kanai, US Patent 5,386,589 in view of Sen, US Patent 6,208,620. The Examiner asserts that Kanai substantially teaches the limitations of claim 13.

Applicant respectfully submits that amended claim 13 is clearly not taught by Kanai. First, amended claim 13 specifies that the transmissions are in blocks of frames. No blocks of frames are taught by Kanai. Second, amended claim 13 specifies a reformatting circuit that creates the blocks from received segments and also from frames that had been transmitted earlier, but unsuccessfully. No such element is described or

suggested by Kanai. The Sen reference is cited by the Examiner for its teaching of using error conditions based on number of erroneous frames. However, this teaching does not supply that which is missing in Kanai relative to amended claim 13 and, therefore, it is respectfully submitted that claim 13, and all of the claims that depend on claim 13, are not obvious in view of the Kanai and Sen references, taken singly or in combination.

Claims 11 and 12 were rejected under 35 USC 102 as being unpatentable over Sarkar et al, US Patent Application Publication 2002/0167907. Applicant respectfully traverses.

Sarkar et al describe an arrangement where a transmitter transmits frames at power level E1, and the receiving station reports the observed error rate FER1 as well as the identity of the frames that were received in error. The transmitter then selects a power level E2 that is higher than E1, and retransmits the frames that had not been transmitted successfully. Sarkar et al state that both E1 and E2 power levels are lower than power level E0 that prior art arrangements would employ. While it is clear that E1 can be less than E0, it is not clear that the same is true for E2. Regardless if this question, however, it is clear that the Sarkar et al arrangement does not deal with blocks of frames. The Examiner points to paragraphs [0071]-[0073] but those paragraphs discuss transmission of frames, but not transmissions of *blocks* of frames. Secondly, and more importantly, the transmissions at power level E2 are limited to the frames that had been transmitted unsuccessfully, and it is essential to the arrangement's goal of consuming less power overall to strictly limit the frames that are transmitted at power level E2.

In contradistinction, amended claims 11 specifies a step of

transmitting a second block of second frames at a second power level to target a second frame error rate, wherein the second block contains at least **one first frame** associated with the one or more first error conditions (emphasis supplied).

Clearly, the notion expressed by the bold-emphasized words, that of including in the block frames that had not failed in a previous transmission step is not only absent from the Sarkar et al teachings, it is actually counter-indicated, based on the goal of the Sarkar et al reference. Therefore, it is respectfully submitted that claim 11 is not obvious in view of Sarkar et al.

Claim 12 depends on claim 11 and, therefore, it also is not obvious in view of Sarkar et al. Moreover, claim 12 introduces the notion of a third power level that is used when the second power level is still insufficient to provide the desired FER. The Examiner points to FIG. 5, but FIG. 5 describes just the opposite. In FIG. 5 of Sarkar et al the power is increased significantly to begin with, and then it is reduced in steps; and this has nothing to do with the retransmission of frames that failed to be transmitted successfully. Therefore, it is respectfully submitted that claim 12 is not obvious in view of the Sarkar et al reference for this reason as well.

In light of the above amendments and remarks, applicant respectfully submits that all of the Examiner's objections and rejections have been overcome. Reconsideration and allowance of the remaining claims are respectfully solicited.

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Respectfully,
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FIG. 7

